

Classification: OFFICIAL

DATED 15<sup>th</sup> August 2019

**DERBY CITY COUNCIL  
(PROHIBITION AND RESTRICTION OF WAITING)  
(PRINCIPAL)  
(No. 1) ORDER 2019**

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**DERBY CITY COUNCIL  
(PROHIBITION AND RESTRICTION OF WAITING) (PRINCIPAL)  
(No.1) ORDER 2019**

**ARTICLE 1**

Derby City Council ("the Council") in exercise of its powers under Sections 1, 2, 4, 32, 35, 45, 46, 47, 49 and 53 of the Road Traffic Regulation Act 1984 ("the Act"), the Road Traffic Act 1991 ("the 1991 Act"), the Traffic Management Act 2004 ("the 2004 Act") and of all other powers enabling it in that behalf hereby makes the following Order:-

- 1.1 This Order may be cited as the Derby City Council (Prohibition and Restriction of Waiting) (Principal) (No.1) Order 2019 and shall come into operation on 16<sup>th</sup> August 2019.
- 1.2 This Order revokes the Derby City Council (Prohibition and Restriction of Waiting) (Principal) (No.1) Order 2018 with subsequent orders that have amended or modified that order, without any change to the restrictions or lengths of roads affected under those orders.
- 1.3 In revoking the aforesaid order the maps at the date of the making of this Order that constitute the Map for the purposes of the Derby City Council (Prohibition and Restriction of Waiting) (Principal) (No.1) Order 2018, as amended or modified by any subsequent order, will form and constitute in its entirety the Map for the purposes of this Order.

**ARTICLE 2 - DEFINITIONS**

2.1 In this Order:-

"the Act" means the Road Traffic Regulation Act 1984 (as amended) or any replacement legislation thereof.

"the 2004 Act" means The Traffic Management Act 2004 (as amended) or any replacement legislation thereof.

"Ambulance Service" means the Ambulance Trust Service of such other ambulance service appointed to act in cases of emergency by the National Health Service.

"Article" means an article of this Order or where indicated part thereof unless otherwise stated.

"Business Parking Permit" means a Permit issued by the Council in accordance with Article 12.

"Business Visitors Parking Permit" means a Permit issued by the Council in accordance with Article 12.

"Civil Enforcement Officer" means an officer of the Council or such other person duly authorised by the Council pursuant to section 76 of the 2004 Act to issue and attach notices to vehicles.

"Disabled Person's Vehicle" means a vehicle displaying a Disabled Person's Badge.

"Disabled Person's Badge" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

"Electric Vehicle" means a vehicle which uses electricity as a source of power for propulsion and includes a vehicle which in addition uses, or is capable of using, other sources of power for this purpose.

"E Hackney Carriage" means a vehicle that is powered entirely or partially by electricity and is capable of being charged from an external source and is licenced and being lawfully used as a Hackney Carriage under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

"E Hackney Carriage Stand" means a stand duly appointed under section 63 Local Government (Miscellaneous Provisions) Act 1976 and to be used solely by a vehicle that is powered entirely or partially by electricity hereinafter referred to as an e-hackney carriage.

"Event" means an event for the purpose of general recreation, sport, leisure or entertainment to which the public have access to with or without payment held at the Pride Park Stadium, Derby involving the use of the main viewing stadium and pitch.

"Footway" has the same meaning as in section 329 Highways Act 1980.

"Hackney Carriage" means a vehicle licensed and being lawfully used as a Hackney Carriage under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

"Hackney Carriage Stand" means a stand duly appointed under section 63 Local Government (Miscellaneous Provisions) Act 1976.

"Hand Held Device" means a wireless hand held computer used by the Civil Enforcement Officers or other designated officer, which is programmed to interface with the Council's parking permits system and electronic payment system.

“Location Identification Number” means the number allocated by the Council to a Pre Parking Place for the purpose of identification of that Parking Place in relation to the payment of the Parking Charge for that Parking Place using Pay by Phone.

“Location Identification Number Traffic Sign” means a sign or Traffic Sign displaying the Location Identification Number for Pre Parking Places and such other information and instructions as the Council thinks fit for the purposes of making payment of a Parking Charge using Pay by Phone.

“the Map” means for the purpose of this Order (subject to any subsequent amendments or modifications) the map, plans and associated index which at the date of the making of this Order constitute the Map for the purposes of the Derby City Council (Prohibition and Restriction of Waiting) (Principal) (No.1) Order 2018 or modified by any subsequent order, a complete list of the index of maps, plans and tiles of such being attached to this Order at Schedule 4.

“Match Day” means a day on which a football match or Event to which the public have access to with or without payment is held at the Pride Park Stadium, Derby.

“Motor Cycle”, “Moped” and “Motor Vehicle” have the same meanings as in the Road Traffic Act 1988.

“Motor Vehicle” has the same meaning as in section 185(1) Road Traffic Act 1988.

“No Return Restriction” shall have the meaning ascribed to it under Article 2.2.

“Operative Hours” has the meaning ascribed to it in Article 10.1.

“Owner” has the same meaning as in section 92 of the Traffic Management Act 2004.

“Parked” the term “parked” as used in the PCN Codes shall be deemed hereby to include the term “wait” as used in this Order.

“Parking Charge” has the meaning ascribed by it in Article 7.3.

“Parking Place” or “Parking Area” means a place or area identified or designated for parking of Vehicles under Articles 6.1; 7.1; 8.1, 9.1, 10.1, 17, 18.1 and 19.1 of this Order.

“Parking Ticket” means a ticket issued by a Ticket Machine or by the Council on the payment of the Parking Charge (pursuant to Article 7.3).

"Pay by Phone" means the Telephone Payment Parking System provided by the Council for payment of Parking Charges.

"Penalty Charge" and "Reduced Penalty Charge" means a charge set by the Council pursuant to Part 6 of the 2004 Act and the respective regulations which is payable to the Council following the issue of a Penalty Charge Notice (set out in schedule 3 of this order).

"Penalty Charge Notice" means a notice issued or served by a Civil Enforcement Officer pursuant to the provisions of Part 6 of the 2004 Act and the respective regulations containing the particulars therein required.

"PCN Codes" means the codes and related description in schedule 2 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendments or replacement codes thereof.

"Permit" means a permit issued by the Council under the provisions of Article 12 of this Order and includes an invalid Permit and Valid Permit.

"Permit Holder" means a person holding a Valid Permit.

"Prescribed Hours" the term as used in the PCN Codes shall mean any period or time prescribed by virtue of any Article in this Order, including any times prescribed on the Map.

"The Principal Order" means for the purpose of this Order and any subsequent order amending or modifying it, the Derby City Council (Prohibition and Restriction of Waiting) (Principal) (no 1) Order 2019.

"Traffic Sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act.

"Reduced Penalty Charge" (for the definition see under Penalty Charge).

"Relevant Position"

- (a) In relation to the display of Disabled Person's Badge, has the same meaning as that ascribed to it in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 so that the relevant details can be seen from outside the Vehicle.
- (b) In relation to the display of Permits or any other items required to be displayed by this Order other than a Disabled Persons Badge means
  - (i) in the case of a vehicle fitted with a windscreen, a position on the inside surface of the windscreen with the obverse

side facing forward and on the part of the windscreen nearest the kerb;

- (ii) in the case of a vehicle not fitted with a front windscreen, a conspicuous position on the side of the vehicle nearest the kerb;

so that the relevant details can be seen from outside the vehicle.

"Residents' Parking Permit" means a Permit issued by the Council in accordance with Article 12 of this Order.

"Residents' Visitors Parking Permit" means a Permit issued by the Council in accordance with Article 12.

"Restricted Street" as used in the PCN Codes shall mean any street or road or length of street or road where a restriction or prohibition is imposed by virtue of any Article under this Order.

"Road" has the same meaning as section 192 Road Traffic Act 1988.

"Schedule" means a schedule of this Order unless otherwise stated.

"Ticket Machine" means an apparatus designed to indicate the time and issue tickets indicating the payment of the Parking Charge referred to in Article 7.3 and the period in respect of which the charge has been paid which if required is of a type and design approved or meeting the requirements of the relevant Secretary of State.

"Telegraphic Line" has the same meaning as the expression "Telecommunication Apparatus" (which expression has the same meaning as that ascribed to it in the Telecommunications Act 1984).

"Telephone Payment Parking System" means a system to facilitate and monitor the payment of Parking Charges using telephone communication with the service provider in accordance with instructions indicated on signs located at each Parking Place or Parking Area where the system is operational.

"Traffic Sign" means a sign prescribed or authorised under, or having effect as though prescribed or authorised under Section 65 of the Act or any replacement thereof.

"Water Company" means a company appointed under the provisions of section 6 of the Water Industry Act 1991 or such other body as may be appointed by virtue of statute to carry out the functions therein specified of water or sewerage undertaker.

"Valid Parking Ticket" means a ticket issued which is displayed in the Relevant Position on a vehicle parked in a Pre Pay Parking Place to which that Parking Charge relates and where the period indicated has not expired or passed.

"Valid Permit" has the meaning ascribed to it in Article 12.3.

"Vehicle" means a carriage or conveyance including a caravan or trailer in or on which persons or goods are transported.

- 2.2 Interpretation of meaning of "no return" restriction - Where the Map refers to "no return" within a stated period in relation to any length of road it means that a vehicle which has been parked on the length of road shall not return to any part of that said road where the restriction applies at any time within that stated period [for example where in the Map it refers to Limited Waiting (20 Mins No Return 1 Hour) (Mon-Sat 8am-6pm) it means, subject to any applicable exemptions, that a person may not cause or permit a Vehicle to wait for longer than 20 minutes between the hours of 8.00am and 6.00pm Mondays to Saturdays inclusive on the relevant lengths of road nor cause or permit that Vehicle to return to any part of that said road where the restriction applies at any time within 1 hour of the last period that vehicle was waiting on any part of the said road].
- 2.3 Interpretation of time periods - A reference in this Order to a period of time shall unless otherwise stated be inclusive of the first time, date or day mentioned and be inclusive of the last time, date or day mentioned.
- 2.4 A reference in this Order to a numbered Article is a reference to the Article having that number in this Order.
- 2.5 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

### ARTICLE 3 - PROHIBITION, RESTRICTION AND LIMITED WAITING

#### **No Waiting/Limited Waiting Prohibition**

- 3.1 Save as indicated on the Map or save as provided in Article 11 (*general exemptions, disabled exemption and permit holder exemption*) of this Order, no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any Vehicle to wait on the roads or sides of the roads identified on the Map;
- 3.1.1 as "No Waiting" for the periods indicated on the Map, or
- 3.1.2 as "Limited Waiting" during the times and period indicated on the Map otherwise than in accordance with the permitted waiting time and the No Return Restriction indicated on the Map.

ARTICLE 4 - PROHIBITION/RESTRICTION OF LOADING/UNLOADING

**Prohibition/Restriction of Loading and Unloading**

- 4.1 Save as indicated on the Map or save as provided in Article 4.2 (*boarding and alighting*) it is unlawful to cause or permit any Vehicle (including a Disabled Person's Vehicle) in relation to the sides and lengths of road identified as "No Loading" on the Map during the periods identified on the Map to be used for the purposes of the delivery or collection of goods or for such vehicle to be loaded or unloaded.
- 4.2 It is not unlawful to cause or permit a Vehicle to wait or stop on a side or length of road to which Article 4.1 of this Order relates only for so long as may be reasonably necessary to enable a person to board or alight from the Vehicle.

ARTICLE 5 - PROHIBITION OF STOPPING

**Prohibition of Stopping**

5. Save as indicated on the Map it is unlawful to cause or permit any Vehicle (including a Disabled Person's Vehicle) to stop on the sides and lengths of road identified as "No Stopping" on the Map during the periods identified on the Map.

ARTICLE 6 – PARKING PLACES: DISABLED PARKING

**Disabled Parking**

- 6.1 The areas of land identified on the Map and therein designated "Disabled Badge Holders Only" (which for the purpose of the standard PCN Codes is referred to as a "designated disabled person's parking place") may be used, subject to the following provisions of this part of the order and of Article 13 (*suspension of parking places*) as parking places for Disabled Person's Vehicles in such positions, during such periods and for such hours as identified on the Map.
- 6.2 Save as provided in Article 11.1 (*general exemptions, but excluding disabled exemption and permit holder exemption*) of this Order no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any Motor Vehicle to wait on the days and times denoted on the Map and in Article 6.1 of this Order other than subject to Article 6.3 a Motor Vehicle, being used by the person to whom a Disabled Person's Badge is issued, which is waiting in accordance with



such period, limitation and terms as may be indicated on the Map, and which displays in the Relevant Position;

- 6.2.1 a valid Disabled Person's Badge, and
- 6.2.2 a Parking Disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began, where a time limit on parking exists).

**Limited to 3hrs No Return 1hr unless Map indicates otherwise**

- 6.3 In the absence of such a period of waiting referred to in Article 6.1 being indicated on the Map the period of this Order shall not exceed three hours, and the exemption provided by Article 6.2 shall not apply to any Motor Vehicle where such vehicle has waited on the same day on the length of road to which the restriction relates unless an interval of at least one hour has passed since that vehicle last waited on the said length of road.

**ARTICLE 7 - PARKING PLACES: ON STREET (PRE PAY)**

**Designation of Parking Places (Pre Pay Parking Place - On Street)**

- 7.1 The sides and lengths of roads identified on the Map as "Pre Pay" (and hereinafter referred to as a "Pre Pay Parking Place") are authorised to be used, subject to the following provisions of this part of the order and of Article 13 (*suspension of parking places*) as parking places for Motor Vehicles or such classes of Vehicles, in such positions and on such days and during such hours and subject to such restrictions, prohibitions or requirements as identified on the Map.

**General Restrictions on Use of Parking Places (Pre Pay Parking Place – On Street)**

- 7.2 Save as indicated on the Map or save as provided in Article 11 (*general exemption, disabled parking and permit holder exemption*) of this Order, no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any Motor Vehicle (other than a Motorcycle) to wait on any Pre Pay Parking Place;
  - 7.2.1 unless before leaving the vehicle the Parking Charge payable for that parking place as specified in Article 7.3 has been paid, and
  - 7.2.2 In the case where that Parking Charge has been paid by purchase of a Parking Ticket, unless a Valid Parking Ticket is displayed in accordance with Article 7.4.

## Parking Charges

- 7.3 The Parking Charge pursuant to Article 7.2 shall be as set out in Schedule 1 of this Order or as, from time to time, amended or varied by the Council or its authorised officers pursuant to 46 or 46A of the Act.
- 7.4 Every Motor Vehicle left in a Pre Pay Parking Place as designated and identified under Article 7.1 of this Order where the Parking Charge has been paid by the purchase of a Parking Ticket shall display in the Relevant Position a Valid Parking Ticket so that the details showing the period for which the Parking Charge paid relates and the time of expiry of the Parking Ticket is clearly visible from outside the vehicle.

## Method of Payment

- 7.5 The Parking Charge referred to in Article 7.2.1 shall be payable by:
- 7.5.1 the purchase of a Valid Parking Ticket by the inserting the appropriate monies into a Ticket Machine provided for the purpose of issuing Parking Tickets for the relevant Parking Charge for that parking place; or
- 7.5.2 where available paying the appropriate Parking Charge by means of Pay by Phone in accordance with Article 7.6.

## Pay by Phone

- 7.6 Where the service is available Parking Charges may be paid by using Pay by Phone following the instructions on the Location Identification Number Traffic Sign and such other instructions as may be given by the Council when making payment.
- 7.7 Payment of a Parking Charge using Pay by Phone will relate only to the Parking Place or Parking Area as indicated by the Location Identification Number displayed on the Location Identification Number Traffic Sign situated at the Parking Place or Parking Area.
- 7.8 Subject to Article 11 (*general exemption, disabled parking and permit holder exemption*) and in the absence of displaying a Valid Parking Ticket pursuant to Article 7.4 if at any time while the Motor Vehicle is left in a Parking Place designated as a Pre Pay Parking Place to this Order and no indication appears on a Hand Held Device that payment of the relevant Parking Charge has been made using Pay by Phone or a Hand Held Device indicates that the payment period for which payment was made using Pay by Phone has expired it shall be presumed that either:
- 7.8.1 the relevant Parking Charge has not been duly paid in respect of the Motor Vehicle in accordance with the provisions of Article 7.2; or

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- 7.8.2 the parking period for which payment was made using Pay by Phone has expired and in either case a Civil Enforcement Officer may serve a Penalty Charge Notice.

#### ARTICLE 8 - PARKING PLACES: MEDICAL STAFF PARKING

##### **Parking for Medical Staff (Doctor Permit Parking Places)**

- 8.1 The parking places identified on the Map and thereby designated as "Doctor Permit Holders Only" (and hereinafter referred to as a "Doctor Permit Parking Place") may only be used in accordance with the following provisions of this part of the order and of Article 13 (*suspension of parking places*).
- 8.2 Save as indicated on the Map or save as provided by Article 11.1 (*general exemption excluding disabled parking and permit holder exemptions*) of this Order, no person, except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer, other than a qualified medical practitioner, district nurse or a midwife whilst providing an emergency call-out facility from premises situated near the Doctor Permit Parking Place, shall cause or permit any Motor Vehicle to wait on the days and times denoted on the Map on a Doctor Permit Parking Place.

#### ARTICLE 9 - PARKING PLACES: LOADING BAYS

- 9.1 The parking places identified on the Map as "Loading Only" and thereby designated (and hereafter referred to as a "Loading Only Bay") may only be used in accordance with the following provisions of this part of the Order and of Article 13 (*suspension of parking places*) of this Order.
- 9.2 Save as indicated on the Map or save as provided by Article 11.1 (*general exemption but excluding disabled parking and permit holder exemptions*) of this Order, no person, except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer, shall cause or permit any Motor Vehicle to use or park in a Loading Only Bay on the days and times denoted on the Map other than a Motor Vehicle being Loaded and Unloaded or used for the delivery or collection of goods, and such vehicle must not remain in the Loading Only Bay longer than is reasonably necessary to complete that function and provided that when the aforementioned purposes have been completed the vehicle must immediately proceed out of that length of road.
- 9.3 The use permitted by Article 9.2 shall not permit waiting to enable goods or materials to be sold or purchased.

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ARTICLE 10 PARKING PLACES: PERMIT HOLDERS ONLY

**Designation of Parking Places (Permit Holders Only)**

10.1 The sides and lengths of roads identified on the Map as "Permit Holders Only" (and hereinafter referred to as a "Permit Holders Parking Place") are authorised to be used, subject to Article 13 (*suspension of parking places*) and the following provisions of this Part of this Order, as parking places for such classes of Vehicles, and on such days and during such hours as identified on the Map ("hereinafter referred to as the "Operative Hours") and in such positions identified on the Map.

**Limits on Parking in Parking Place (Permit Holders Only)**

10.2 Save as indicated on the Map or save as provided in Article 11.1, 11.2 and 11.3 (*general exemptions, disabled exemption, excluding permit holder exemption*) of this Order, unless the Map indicates those exemptions do not apply, no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any Motor Vehicle (other than a Motorcycle) to wait in a Permit Holders Parking Place unless a Valid Permit is displayed on the vehicle in the relevant position.

ARTICLE 11 - EXEMPTIONS

**General Exemptions**

11.1 It is not unlawful to cause or permit a Vehicle to wait or stop on a side or length of road to which Articles 3.1 (*no waiting / limited waiting*), 6.2 (*disabled parking*), 7.2 (*pre pay parking place*), 8.2 (*doctor permit parking*), 9.2 (*loading bays*), 10.2 (*permit holders*), 16.1 (*no waiting on footways only in respect of articles 11.1.2 and 11.1.3*), 18.1 (*electric vehicle charging parking place*) and 19.1 (*e-hackney carriage charging parking place*) of this Order relate only for so long as may be reasonably necessary to enable;

11.1.1 a person to board or alight from the Vehicle;

11.1.2 the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:

11.1.2.1 building, engineering or demolition operations;

11.1.2.2 the removal of any obstruction to traffic;

11.1.2.3 the maintenance, improvement or reconstruction of the such length of road;

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- 11.1.2.4 the laying, erection alteration or repair in, or on land adjacent to such length of road of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or any telegraphic line as defined in the Telecommunications Act 1984;
- 11.1.2.5 in the service of a Local Authority or a Water Company in pursuance of statutory powers or duties;
- 11.1.2.6 to be used for the purpose of delivering or collecting postal packets as defined in section 125 Postal Services Act 2000; or
- 11.1.2.7 to wait or stop at or near to any premises situated or adjacent to such length of the road, for so long as such waiting or stopping by that Vehicle in connection with any wedding or funeral;
- 11.1.3 the Vehicle to be used in the case of an emergency by the Derbyshire Fire and Rescue Services, or by an Ambulance Service or by the police services;
- 11.1.4 any Hackney Carriage to wait within any duly authorised Hackney Carriage Stand;
- 11.1.5 the Vehicle to be used for collection or delivery or for the loading or unloading of goods from the vehicle where such is carried out in an expeditious and reasonable manner and for no other purpose whatsoever and particularly does not permit waiting to enable goods to be sold or purchased; or
- 11.1.6 the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be used by a qualified medical practitioner, a district nurse or a midwife displaying a duly recognised healthcare parking permit to visit premises nearby

**Disabled Exemptions**

- 11.2 It is not unlawful to cause or permit a Disabled Person's Vehicle to wait or stop on a side or length of road to which Article 3.1.1 (*no waiting prohibition*) of this Order relate for a period not exceeding 3 hours if;—
- 11.2.1 the Vehicle displays in a Relevant Position a valid Disabled Person's Badge and a parking disc;
- 11.2.2 the time at which the period of waiting commenced is marked on the parking disc; and
- 11.2.3 a period of at least 1 hour separated the commencement of the period of waiting from any previous period of waiting on that length of road on the same day.

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- 11.3 It is not unlawful to cause or permit a Disabled Person's Vehicle to wait or stop on a side or length of road to which Articles 3.1.2 (*limited waiting*), 7.2 (*pre pay parking place*) and 10.1 (*permit holders parking place*) of this Order relate for any period if the vehicle displays in a Relevant Position a valid Disabled Person's Badge, unless the Map indicates those exemptions do not apply.

#### Permit Holder Exemption

- 11.4 Nothing in Articles 3.1.2 (*limited waiting*) and 7.2 (*pre pay parking place*) where signs and/or markings are in place indicating that Permit Holders are exempt shall render it unlawful to cause or permit a Vehicle to wait in those lengths of road and for such periods where a Valid Permit relating to that vehicle is extant and the vehicle is parked in accordance with that Valid Permit, provided that:

11.4.1 the Permit is clearly displayed in the Vehicle in a Relevant Position; or

11.4.2 if the charge payable for the Permit pursuant to Article 12.2 has been paid using Pay by Phone

11.5 For the purposes of Article 11.4.2 if no indication appears on a Hand Held Device that the vehicle has a Valid Permit permitting it to park on a length of road pursuant to Article 11.4 it shall be presumed that the charge payable for the Permit has not been paid and a Civil Enforcement Officer may serve a Penalty Charge Notice.

### ARTICLE 12 PERMITS

#### Issue, Charges and use of Permits

12.1 The Council may as it considers appropriate issue Permits with such limitations as the Council may determine to enable persons;

12.1.1 to wait in any road regulated by Article 10 (*permit holders parking place*), or

12.1.2 to wait in any other road restricted or regulated by Articles 3.1.2 (*limited waiting*) and 7 (*pre pay parking place*) of this Order.

12.2 The charges for Permits shall be as set out in Schedule 2 of this Order, or as, from time to time, amended or varied by the Council or its authorised officers. The Council may waive such charges for any Permit as it may consider appropriate.

#### Valid Permits

12.3 A Valid Permit is a Permit which has been duly issued by the Council under Article 12.1 and which has not been withdrawn under Article 12.4 and is being used in accordance with the terms and conditions subject to which the permit

is issued and for which the appropriate parking charge (if any) as referred to in Article 12.2 has been paid.

### **Withdrawal of Permits**

- 12.4 The Council having granted a Permit may withdraw the right to use a Permit at any time, without payment of compensation.

## **ARTICLE 13 SUSPENSION OF PARKING PLACES**

### **Suspension of Parking Places**

- 13.1 The Council or any person authorised by the Council may suspend the use of a Parking Place or any part to any class or classes of Vehicles thereof whenever such suspension is considered necessary on a side or length of road to which Articles 6 (*disabled parking*), 7(*pre pay*), 8 (*medical staff parking*), 9 (*loading bays*), 10 (*permit holders*), 17 (*footway parking*), 18 (*electric vehicle charging*) and 19 (*electric hackney carriage charging*) of this Order relate:-
- 13.1.1 for the purpose of facilitating the movement of traffic or promoting its safety;
- 13.1.2 for the purpose of any building operation, demolition or excavation in or adjacent to the Parking Place or the maintenance, improvement or reconstruction of the Parking Place or the laying, erection, alterations, removal or repair in or adjacent to the Parking Place of any road, traffic sign, sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus, within the meaning of Schedule 2 of the Telecommunications Act 1984;
- 13.1.3 for the convenience of occupiers of premises adjacent to the Parking Place on any occasion of the removal of furniture, or at times of weddings or funerals, or on other occasions where the Council or other authorised person considers appropriate; or
- 13.1.4 on any occasion on which it is likely by reason of some special attraction that any street or Road will be thronged or obstructed.
- 13.2 Police Constable in uniform may suspend for not longer than twenty four hours the use of a Parking Place or any part thereof whenever such suspension is considered reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- 13.3 Any person suspending the use of the Parking Place or any part thereof in accordance with the provisions of paragraph 13.1 or paragraph 13.2 shall as soon as reasonably practicable cause to be placed in or adjacent to that

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Parking Place or part thereof a sign or notice indicating that waiting by Vehicles is prohibited.

- 13.4 No person shall cause or permit a Vehicle to be left in any Parking Place or part of a Parking Place;-
- 13.4.1 during such period as there is in or adjacent to that Parking Place or part thereof a sign or notice placed in pursuance of paragraph 13.3; or
- 13.4.2 in the case of being advised by a Police Officer in uniform or Civil Enforcement Officer of the suspension during such time indicated that the suspension will be in effect.
- 13.5 Nothing in paragraph 13.4 shall render it unlawful to cause or permit a Vehicle to wait in a suspended Parking Place if the Vehicle is waiting with permission of:
- 13.5.1 The person suspending the use of the Parking Place or part thereof in pursuance of paragraph 13.1, or
- 13.5.2 A Police Constable in uniform or a Civil Enforcement Officer.
- 13.6 Suspension of a Parking Place in accordance with the provisions of Article 13 shall not give rise to any right of compensation or reimbursement to Permit Holders.

**ARTICLE 14 – GENERAL**

**Derogation and Precedence over other Orders**

- 14.1 The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any Regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.
- 14.2 Where the provisions of any Order made or having effect as if made under the Act of 1984 which imposes any prohibition or restriction on waiting by Vehicles or grant any exemption from such prohibition or restriction relate to a length of road designated as a Parking Place in this Order the provisions of the Parking Place in this Order shall prevail.

**ARTICLE 15 - REVOCATIONS**

15. This Order hereby revokes the Derby City Council (Prohibition and Restriction of Waiting) (Principal) (No.1) Order 2018 and all subsequent traffic regulation orders that have had the affect of amending or modifying the Principal Order or the Principal Order's Map.

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## ARTICLE 16 – PROHIBITION OF WAITING ON FOOTWAYS

### **No Waiting on Footways (Footway, Verges, etc. Parking Ban)**

16.1 Save as indicated on the Map or save as provided in Article 11.1.2 and 11.1.3 (*general exemptions*) and 11.2 (*disabled exemptions*) of this Order, no person shall, except upon the direction or with permission of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any vehicle to wait on the parts of the roads identified on the Map so that one or more of its wheels is resting on:

16.1.1 any footway

16.1.2 any land (not being a footway) which is situated between two carriageways in any such road; or

16.1.3 any grass verge, garden or space not falling within the foregoing paragraphs 16.1.1 or 16.1.2.

## ARTICLE 17 – PARKING PLACES: ON FOOTWAY (FOOTWAY PARKING)

### **Designation of Parking Places on Footway (Footway Parking Place)**

17. The sides and lengths of roads identified on the Map as “Footway Parking” (and hereinafter referred to as “Footway Parking Place”) are authorised to be used, subject to the following provisions of this part of the order and of Article 3 (*restriction & limited waiting*) and of article 13 (*suspension of parking places*) as parking places for Motor Vehicles or such classes of Vehicles, in such positions and on such days and during such hours and subject to such restrictions, prohibitions or requirements as identified on the Map.

## ARTICLE 18 – PARKING PLACES: ELECTRIC VEHICLE CHARGING

18.1 The parking places identified on the map are therein designated as “Electric Vehicle Charging only” (and hereinafter referred to as an “Electric Vehicle Charging Parking Place”) may only be used in accordance with the following provisions of this part of the Order and of Article 13 (*suspension of parking places*) as parking places for the charging of electric vehicles, in such positions, during such periods and for such hours as identified on the Map.

18.2 Save as indicated on the Map or save as provided in Article 11.1 (*general exemption, excluding disabled parking and permit holder exemption*) of this Order, no person, except upon the direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer, cause or permit any Motor Vehicles, or such classes of Vehicle to wait in the Electric Vehicle Charging Parking Place on the days and times denoted on the Map unless it is an

Electric Vehicle connected to an Electric Vehicle Charge Point and actively charging.

ARTICLE 19 – PARKING PLACES: E-HACKNEY CARRIAGE CHARGING

19.1 The parking places identified on the Map are therein designated as “E-Hackney Carriage Charging Only” (and hereinafter referred to as a “E-Hackney Carriage Charging Parking Place”) may only be used in accordance with the following provisions of this part of the order and of Article 13 (*suspension of parking places*) as parking places for the charging of electric hackney carriage vehicles, in such positions, during such periods and for such hours as identified on the Map.

19.2 Save as indicated on the Map or save as provided in Article 11.1 (*general exemption, excluding disabled parking and permit holder exemption*) of this Order, no person, except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer, cause or permit any Motor Vehicles, or such classes of Vehicle to wait at a E-Hackney Carriage Charging Parking Place on the days and times denoted on the Map unless it is an e-hackney carriage connected to an Electric Vehicle Charge Point and actively charging, and which displays such numbered plates as may be required to be affixed to it pursuant to section 38 of the Town and Police Clauses Act 1847.

Dated this 15<sup>th</sup> day of August 2019

THE COMMON SEAL of )  
DERBY CITY COUNCIL )  
was hereunto affixed )  
in the presence of: )



Authorised Officer

Authorised Officer

**SCHEDULE 1  
(PRE PAY)  
(PARKING CHARGES)**  
(current at the time of this Order but subject to future amendment and variation)  
(See Article 7.3)

<p><b>Where a 2 hour maximum stay applies (Inner area)</b></p> <p><b>Monday - Saturday 8am- 8pm, Sunday 10am- 4pm</b></p>	<p><b>Where a 4 hour maximum stay applies (Outer area)</b></p> <p><b>Monday-Saturday 8am- 6pm, Sunday 10am- 4pm</b></p>																		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">For up to half an hour</td> <td style="text-align: right;">£1.40</td> </tr> <tr> <td>For up to one hour</td> <td style="text-align: right;">£2.30</td> </tr> <tr> <td>For up to one and a half hours</td> <td style="text-align: right;">£3.00</td> </tr> <tr> <td>Maximum stay two hours</td> <td style="text-align: right;">£3.60</td> </tr> </table>	For up to half an hour	£1.40	For up to one hour	£2.30	For up to one and a half hours	£3.00	Maximum stay two hours	£3.60	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">For up to half an hour</td> <td style="text-align: right;">£1.30</td> </tr> <tr> <td>For up to one hour</td> <td style="text-align: right;">£2.00</td> </tr> <tr> <td>For up to two hours</td> <td style="text-align: right;">£2.70</td> </tr> <tr> <td>For up to three hours</td> <td style="text-align: right;">£3.40</td> </tr> <tr> <td>For up to four hours</td> <td style="text-align: right;">£4.40</td> </tr> </table>	For up to half an hour	£1.30	For up to one hour	£2.00	For up to two hours	£2.70	For up to three hours	£3.40	For up to four hours	£4.40
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<p><b>Where no maximum stay applies (Royal Derby Hospital Area)</b></p> <p><b>Monday - Saturday 8am - 6pm</b></p>	<p><b>Where no maximum stay applies (Outer, outer area Part 1) (Bridge Street, Brook Street, Lodge Lane, St Helen's Street and Willow Row)</b></p> <p><b>Monday-Saturday 8am- 6pm</b></p>										
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">For up to four hours</td> <td style="text-align: right;">£2.50</td> </tr> <tr> <td>For over four hours</td> <td style="text-align: right;">£4.20</td> </tr> </table>	For up to four hours	£2.50	For over four hours	£4.20	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">For up to one hour</td> <td style="text-align: right;">£0.70</td> </tr> <tr> <td>For up to four hours</td> <td style="text-align: right;">£1.50</td> </tr> <tr> <td>For over four hours</td> <td style="text-align: right;">£2.50</td> </tr> </table>	For up to one hour	£0.70	For up to four hours	£1.50	For over four hours	£2.50
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<p><b>Where no maximum stay applies (Outer, outer area Part 2) (Arboretum Street, Morleston Street, Rauche Court, Keble Close, Barlow Street, Bloomfield Close, Sidney Street, Vernon Street, Great Northern Road)</b></p> <p><b>Monday-Saturday 8am- 6pm</b></p>	<p><b>Where no maximum stay applies (Mackworth Road / Markeaton Street)</b></p> <p><b>Monday - Saturday 8am - 6pm</b></p>				
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**Classification: OFFICIAL**

For up to four hours	£1.40	<b>For up to four hours</b>	<b>£2.50</b>
For over four hours	£2.40	<b>Over four hours</b>	<b>£4.20</b>

<b>Where no maximum stay applies (Broadway)</b>	
<b>Monday - Friday 8am - 4pm 1 September – 30 June</b>	
For up to one hours	£1.50
For up to four hours	£2.50
Over four hours	£4.20

**On street Season tickets**

<b>Canal Street (but excluding the permit holder area between Carrington Street and Park Street), Carrington Street (between Midland Road and Wellington Street), Hulland Street, Park Street (between Midland Road and Wellington Street), Wellington Street (between London Road and Carrington Street), Trinity Street and John Street</b>		<b>Bridge Street, Brook Street, Lodge Lane, Willow Row, St Helen's Street</b>	
For up to one month	£55	For up to one month	£35
For up to three months	£160	For up to three months	£85
For up to six months	£290	For up to six months	£155
For up to twelve months	£555	For up to twelve months	£270

<b>Arboretum Street, Morleston Street, Rauche Court, Keble Close, Barlow Street, Bloomfield Close, Sidney Street, Vernon Street, Great Northern Road</b>	
For up to one month	£32.50
For up to three months	£73.50
For up to six months	£135

**Classification: OFFICIAL**

**Classification: OFFICIAL**

For up to twelve months	£236
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**Classification: OFFICIAL**

**SCHEDULE 2  
(CHARGE FOR PERMITS)  
Per Vehicle**

**(current at the time of this Order but subject to future amendment and variation)**

**(See Article 10)**

Residents Parking Permit	yearly permit; for first vehicle in household for any additional Vehicle	£25.00 £50.00
Business Parking Permit	yearly permit	£100.00
Residents Visitors Parking Permit	daily Permit	20 pence
Business Visitors Parking Permit	daily Permit	40 pence

Classification: OFFICIAL

**SCHEDULE 3**  
**(PENALTY CHARGE AND REDUCED PENALTY CHARGE)**  
**(current at the time of this Order but subject to future amendment and variation)**

**(See Article 2)**

Penalty Charge: Set at Band 2 Levels

Higher Level Penalty Charge	£70.00 (reduced rate £35.00)
Lower Level Penalty Charge	£50.00 (reduced rate £25.00)

Classification: OFFICIAL

**SCHEDULE 4**  
**(Map Index of all plans / maps and tiles forming the Map for the purpose of  
this Order at the time of the making of this Order)**